

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

QUAIL CREEK COUNTRY CLUB, INC.,

Plaintiff,

v.

Case No.: 2:20-cv-177-FtM-38MRM

ROCKHILL INSURANCE  
COMPANY,

Defendant.

\_\_\_\_\_ /

**ORDER**<sup>1</sup>

Before the Court is the parties' Stipulation on Appraisal ([Doc. 12](#)). The parties agree that the appraisal provision of the relevant insurance policy governs their dispute. So they stipulate to a stay of these proceedings pending completion of appraisal as set forth in the policy and their Stipulation. Given the parties agreement—along with the Complaint (which seeks appraisal) and the pending Motion to Dismiss (which seeks to compel appraisal in the alternative)—the Court construes this as a request to compel appraisal. And it grants the parties' request. As a result, Defendant's pending Motion to Dismiss ([Doc. 9](#)) is denied as moot.

Accordingly, it is now


**ORDERED:**

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

1. The parties' request to compel appraisal ([Doc. 12](#)) is **GRANTED**. The parties must expeditiously conduct an appraisal as prescribed by the appraisal provisions of the insurance policy and their Stipulation ([Doc. 12](#)).
2. Defendant's Motion to Dismiss ([Doc. 9](#)) is **DENIED as moot**.
3. All proceedings in this case are **STAYED** until the parties advise the Court that the appraisal was completed and the stay can be lifted. The parties must notify the Court of such matters **within seven (7) days** of the appraisal proceedings concluding.
4. The parties must to file a joint status report **on or before July 6, 2020**, and **every ninety (90) days thereafter**, to advise the Court on the status of the appraisal proceedings.
5. The Court **RESERVES** jurisdiction to adjudicate a dispute on the appointment of an umpire if the parties' chosen appraisers cannot agree.
6. The Clerk is **DIRECTED** to add a stay flag on the docket.

**DONE** and **ORDERED** in Fort Myers, Florida this 6th day of April, 2020.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record